

MEMORANDUM

PSC
Agenda Item No. 3 (C)

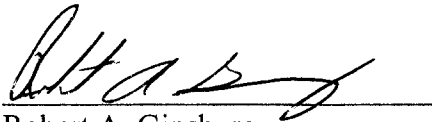
TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

(Second Reading
DATE: January 13, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to the
towing of stolen and abandoned
vehicles

The accompanying ordinance was prepared and placed on the agenda at the request of Sen. Javier D. Souto.


Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. **DATE:**
and Members, Board of County Commissioners

FROM: George M. Burgess
County Manager

SUBJECT: Ordinance Relating to
the Towing of Stolen
and Abandoned Vehicles

The language in the ordinance amends Section 30-384 of the Code of Miami Dade County, which addresses towing of stolen and abandoned vehicles. Language is expanded to include vehicles illegally parked on the public right-of-way, stolen vehicles, and vehicles without appropriate license tags.

Miami-Dade Police Department (MDPD) and Team Metro are already performing these towing functions and no fiscal impact is anticipated at this time. The departments will continue to work together to coordinate investigation and towing of illegally parked vehicles. However, should the frequency or number of vehicles to be towed change as a result of implemented changes, then additional resources may be needed to meet increased demand. Required additional staffing could be accomplished by hiring Public Service Aide positions (PSAs). There is currently no funding for additional PSAs and MDPD would require approximately \$70,000 per position for the first year including equipment, and about \$55,000 per position the second year. As an alternative to hiring new positions, uniform staff could be redeployed from other public safety assignments.

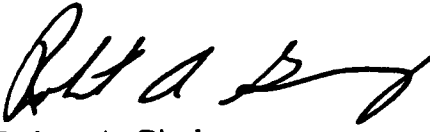
Fiscal/00304



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. **DATE:** December 16, 2003
and Members, Board of County Commissioners

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 30-384 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; RELATING TO THE TOWING OF STOLEN AND ABANDONED VEHICLES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 30-384 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 30-384. Impounding vehicles.

- (a) Police officers or such other employees as may be designated by the County Manager are authorized to remove a vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the County or by a municipality under the circumstances hereinafter enumerated.
 - (1) When any vehicle is left unattended upon any bridge, causeway, or viaduct, or where such vehicle constituted an obstruction to traffic.
 - (2) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic, or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (3) When a vehicle is found upon the streets >>or the public right-of-way<< and is not in proper condition to be driven.
- (4) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
- (5) Where such vehicle has been parked or stored on the public right-of-way for a period exceeding forty-eight (48) hours in other than designated parking areas, and is within thirty (30) feet of the pavement edge >>or has expired license tags or no tags<<.
- (6) When the driver of such vehicle is taken into custody by a law enforcement officer and such vehicle would thereby be left unattended upon a street; provided, however, that the officer shall, prior to impounding a vehicle, afford the owner or the driver at his or her option, a reasonable opportunity in light of the circumstances in which to provide for the removal of the vehicle within a reasonable length of time. In lieu of impounding the vehicle in cases where neither the driver nor the owner elects to provide for the removal of the vehicle or in cases where neither the driver nor the owner can provide for the removal of the vehicle within a reasonable length of time, the owner or the driver may elect in writing to allow the vehicle to remain in place, if lawful. Neither the individual officer nor the officer's employer shall be held liable for any damage whatsoever to a vehicle when the owner of said vehicle or the driver has elected to allow the vehicle not to be removed.

Prior to impounding such vehicle pursuant to this subsection, the police officer shall reasonably attempt to inform the owner or the driver of said vehicle of the various alternatives to impounding, and, the officer, upon request, shall provide the owner or the driver with the requisite form upon which he or she may elect to allow the vehicle to remain in place.

For purposes of this subsection, the driver of the vehicle shall be conclusively presumed to be the authorized agent of the owner.

- (7) When removal is necessary in the interest of public safety because >>the vehicle has been determined to be stolen, or because<< of fire, flood, storm, or other emergency reason.
- (8) When a vehicle is left unattended in violation of Section 30-447 of this Code or Sections 316.1955(5)(a) or 316.1956(3), Florida Statutes.
- (9) When any vehicle is subject to impoundment pursuant to Section 30-389.4 of this Code in the manner prescribed therein.
- (10) When a vehicle is left unattended in an area in which Miami-Dade County has posted a sign indicating that parking is prohibited and stating "TOW-AWAY ZONE."
- (11) When a vehicle is used by an individual for temporary living quarters on the public right-of-way or other public property not designated and authorized as a campsite. Prior to impounding such vehicle pursuant to this subsection, the police officer shall reasonably attempt to afford the driver or owner of such vehicle the opportunity to remove such vehicle from the public property so as to avoid impoundment of the vehicle. This subsection shall not apply to vehicles occupied or possessed by persons awaiting entrance to sporting events as spectators.
- (12) When a vehicle is used by a person engaging in the commission of a violation of subsections (1) or (2) of Section 21-30.01 of the Miami-Dade County Code relating to graffiti.
- (13) Reserved.
- (14) When a vehicle is displayed on a private street, vacant lot, parking lot or private property for the principal purpose of displaying such vehicle or

other personal property thereon for sale or rental in violation of Section 30-388.31.1.

- (15) When a vehicle is parked upon any street or within the right-of-way for the principal purpose of displaying such vehicle for sale.
- (16) When a vehicle is parked upon any street or public right-of-way in a residential zone in violation of Section 30-388.31 of this Code.
- (17) When a vehicle is left unattended in violation of Section 30-450 of this Code.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

JPR

Jeffrey P. Ehrlich

Sponsored by Senator Javier D. Souto